UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

CHOBANI, LLC,

Plaintiff,

V.

THE DANNON COMPANY, INC.

Defendant.

THE DANNON COMPANY, INC.,

Counterclaim Plaintiff,

V.

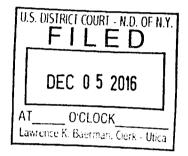
CHOBANI, LLC

Counterclaim Defendant.

CIVIL ACTION NO. 3:16-ev-00030-DNH-DEP

ECF Case

Hon. David N. Hurd



JOINT MOTION FOR ENTRY OF CONSENT PERMANENT INJUNCTION

Plaintiff/Counterclaim Defendant Chobani, LLC ("Chobani") and Defendant/
Counterclaim Plaintiff The Dannon Company, Inc. ("Dannon") (collectively, the "Parties")
hereby jointly move that the Court enter the Consent Permanent Injunction attached hereto.

CHOBANI, LLC THE DANNON COMPANY, INC. By its attorneys, By its attorneys, Julia Huston (Bar Roll No. 518555) Chaim J. Jaffe (Bar Roll No. 507042) David A. Kluft (Bar Roll No. 303218) Scolaro Fetter Grizanti McGough & King P.C. Anthony E. Rufo (Bar Roll No. 519130) 507 Plum Street, Suite 300 Foley Hoag LLP Syracuse, New York 13204 155 Seaport Boulevard Telephone: (315) 471-8111 Boston, Massachusetts 02210-2600 E-mail: ciaffe@scolaro.com Telephone: (617) 832-1000 Facsimile: (617) 832-7000 Angel A. Garganta E-mail: jhuston@foleyhoag.com Marcella Ballard dkluft@foleyhoag.com Venable LLP arufo@foleyhoag.com Rockefeller Center 1270 Avenue of the Americas New York, NY 10020 Telephone: Douglas A. Foss (Bar Roll No. 601172) (212) 370-6289 Svetlana K. Ivy (Bar Roll No. 516400) E-mail: agarganta@venable.com Harris Beach PLLC mballard@venable.com 99 Garnsey Road Pittsford, New York 14534 Randall K. Miller (Bar Roll No. 303217) (585) 419-8800 Telephone: Kevin W. Weigand Facsimile: (585) 419-8811 Venable LLP E-mail: 8010 Towers Crescent Drive dfoss@harrisbeach.com sivy@harrisbeach.com Suite 300 Tysons Corner, VA 22182 Telephone: (703) 760-1600 E-mail: rkmiller@venable.com kwweigand@venable.com

Dated: 11/22/16

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THE DANNON COMPANY, INC. By its attorneys,

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Dated: 11/23/2016 Dated:

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CONSENT PERMANENT INJUNCTION

Upon the joint motion of Plaintiff/Counterclaim Defendant Chobani, LLC ("Chobani") and Defendant/Counterclaim Plaintiff The Dannon Company, Inc. ("Dannon") (collectively, the "Parties"), it is ORDERED, ADJUDICATED and DECREED as follows:

- 1. Chobani shall not disseminate:
 - (a) the 30-second and 15-second "Pool" television commercials described in paragraphs 38 through 40 of Dannon's Counterclaim and exhibits thereto;
 - (b) the "Open Letter" print advertisement described in paragraphs 43 through 46 of Dannon's Counterclaim and exhibits thereto; and
 - (c) the "Chobani's Simply Digital Content" described in paragraphs 48 through 51 of Dannon's Counterclaims, to the extent that it incorporates the accused claims in the "Pool" television commercial and/or "Open Letter" print advertisement identified above.

- 2. This Consent Permanent Injunction will apply to Chobani and its officers, directors, agents, servants, employees, and all persons controlling, controlled by, or in active concert or participation with, through or under Chobani.
- 3. The preliminary injunction dated January 29, 2016 is hereby dissolved, and the

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\$1,000,000 b	ond shall be returned to Dannon	•			
Consented a	nd Agreed to:				
CHOBANI, LLC		THE DANN	THE DANNON COMPANY, INC.		
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	ft (Bar Roll No. 303218)		Scolaro Fetter Grizanti McGough & King P.C		
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Dated:	11/22/16	Dated:			

- 2. This Consent Permanent Injunction will apply to Chobani and its officers. directors, agents, servants, employees, and all persons controlling, controlled by, or in active concert or participation with, through or under Chobani.
- 3. The preliminary injunction dated January 29, 2016 is hereby dissolved, and the \$1,000,000 bond shall be returned to Dannon.

Consented and Agreed to:

CHOBANI, LLC By its attorneys,

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d: <u>[]</u>	/23/	2016	
(d: <u>[]</u>	d: <u>11/23</u> /	d: 11/23/2016

SO ORDERED:

December 5, 2016 Utica, N.Y.

Hon. David N. Hurd United States District Judge